

U.S. Patent Application Serial No. 10/606,928  
Amendment filed March 14, 2006  
Reply to OA dated December 19, 2005

**REMARKS**

Claims 1-13 are pending in this application. Claims 5-13 are canceled herein without prejudice or disclaimer, and claim 2 is amended. Upon entry of this amendment, claims 1-4 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested. No new matter has been introduced by this Amendment.

The amendment to claim 2 is made for clarity only, amending “alkaline cations” to “alkali metal ions”. The original wording, “alkaline cations,” represented an incorrect translation of the foreign priority document. That the intended meaning was “alkali metal ions” can be seen in the present specification, for example, on page 16, line 7, where sodium is indicated to be an example of the “alkaline cations.”

**Claims 5 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office action paragraph no. 1)**

The rejection is moot in view of the cancellation of claims 5 and 9 without prejudice or disclaimer.

**Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Maeda et al. (6338917). (Office action paragraph no. 2)**

The rejection of claims 1-4 is respectfully traversed, and reconsideration of the rejection is

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respectfully requested.

Maeda et al. is cited for disclosing an alkaline storage battery comprising nickel cathodes (col.2, line 66) and an alkaline electrolytic solution (col. 2, line 66) wherein at least one species of a compound selected from niobium compound and titanium compound (col. 3, line 21-22) is introduced into the nickel cathodes comprising a cathode active material composed mainly of nickel hydroxide (col. 3, line 25-29), which surface has a coating layer of a cobalt compound. The Examiner states that the alkaline electrolytic solution contains lithium hydroxide, and calculates the lithium hydroxide content (col. 4, line 21) to be 1.36 mol/L, within the range in claim 1.

First of all, with regard to the content of lithium hydroxide, Applicant notes that the general disclosure of Maeda et al. is that the electrolyte is mainly composed of **potassium** hydroxide (column 3, lines 40-43). Example 1 of the reference has potassium hydroxide and lithium hydroxide, and the Examiner refers to Example 1, at column 4, line 21:

“The resulting negative electrode was combined with the above positive electrode and 2 ml of an electrolyte comprising an aqueous potassium hydroxide solution having a specific gravity of 1.30 to which 40 g/l of lithium hydroxide was added was filled ...”

Applicant submits that Maeda's wording describing this solution is quite unclear, but it appears that Maeda is stating that the concentration is 40g/L of LiOH, which would be  $40/23.95 = 1.67 \text{ mol/L}$ . (Applicant notes that the MW of LiOH is 23.95, not 23.095). Applicant is uncertain how the Examiner derives a value of 1.36 mol/L. The Examiner may be dividing the value of 1.67 the specific gravity of 1.30, but the specific gravity is not relevant to the calculation if the

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concentration is given in terms of grams per liter. Applicant's calculated value of the LiOH content in Example 1 of Maeda et al. (1.67 mol/L) therefore **does not meet the limitation** of claim 1.

Moreover, in Example 1 of Maeda et al., **calcium (Ca)** is dissolved as a solid solution in the cobalt hydroxide (column 3, line 63). There is no disclosure in this Example of a niobioum, titanium, tungsten or molybdenum compound, as required by claim 1. Example 1 of Maeda et al. therefore cannot anticipate claim 1.

Applicant notes that the Examiner has not stated any disclosure in the reference having all the limitations of claim 1, and Applicant can find no such disclosure. Maeda et al. therefore does not anticipate claim 1.

With regard to claim 2, the Examiner refers to col. 3, line 10-12, of Maeda et al. as disclosing that the cobalt compound is a cobalt compound containing alkaline cations. Applicant has amended claim 2 to clarify that the cobalt compound contains "alkali metal ions". Column 3, lines 10-12, of Maeda et al. does not disclose alkali metal ions. Claim 2 is therefore further distinguished from Maeda et al.

With regard to claim 3, the Examiner cites column 3, line 27, of Maeda et al. as disclosing that the amount of niobium compound or titanium compound to be added is 0.1-3%, more preferably 0.3-1.5%, by mass in relation to the mass of cathode active material composed mainly of nickel hydroxide, having the coating layer of the cobalt compound. Applicant notes that this disclosed range does not anticipate the claimed range, but only overlaps the claimed range.

In addition to the above comments, Applicant notes that, in addition to not disclosing the

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lithium hydroxide content limitation of claim 1, there is no suggestion in Maeda et al. for this limitation. Maeda does not appear to suggest any particular values of the lithium hydroxide other than that in Example 1, which has been pointed out to be inconsistent with the present claims. Therefore, claims 1-4 are not anticipated by and are not obvious over Maeda et al.

**Claims 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bando et al. in view of Maeda et al. (6338917).** (Office action paragraph no. 3)

The rejection is moot in view of the cancellation of claims 5-13 without prejudice or disclaimer.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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